



Zoning, Permitting
& Inspections
Fauquier County Department
of Community Development
29 Ashby Street, #310
Warrenton, VA 20186

Phone: 540-347-8789
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www.fauquiercounty.gov

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BUSINESS LICENSE

All businesses are required to obtain a Fauquier County Business License. This is a separate approval from the home occupation permits described in this document.

The License is issued by the Office of the Commissioner of Revenue. For more information, call: (540) 347-8788



For more information see the Fauquier County Zoning Ordinance:

Home Occupations, Generally:
Section 6-301

Minor Home Occupations:
Section 6-302

Major Home Occupations:
Sections 6-303, 5-200

Prohibited Home Occupations:
Section 6-304

Permitted Commercial Vehicles:
Section 6-102(11)

Table of All Permitted Uses By District
Section 3-300

Home Occupations in Fauquier County



What type of business may I operate from my home?

The Fauquier County Zoning Ordinance allows a resident to operate a broad range of businesses from the home in which he or she lives. These businesses are called "*Home Occupations*" and are divided into two categories: Minor and Major. A Minor Home Occupation Permit can be approved administratively by the Zoning Administrator, whereas a Major Home Occupation Permit requires review and approval of a special permit by the Board of Zoning Appeals.

MINOR HOME OCCUPATION

A business can be approved as a MINOR HOME OCCUPATION if it meets the following standards and it is not on the list of prohibited home occupations:

- ◆ The applicant and all employees live on the property, except one employee may live elsewhere.
- ◆ The business is clearly incidental to the residential use, occupying no more than 25% of the area of the home, or no more than 500 sq. ft. within an accessory structure.
- ◆ All public contact related to the business occurs between 7 a.m. and 8 p.m.
- ◆ All activities related to the business occur indoors, with no change to the outside appearance of the home or lot. No materials, goods or equipment are stored outside.
- ◆ No retail or wholesale sales occur on-site where customers come to the home. Exception: "direct sales" type retail uses, where customers are on the premises only by prior, individual invitation, are allowed (Examples of Direct Sales are: Avon, Tupperware).
- ◆ No more traffic is generated by the business than is typically found in a residential neighborhood.
- ◆ Deliveries are limited to normal daily deliveries by public and private mail carriers.
- ◆ Instruction is given to no more than four persons on the site at one time.
- ◆ Parking is available to serve employees and clients coming to the home.
- ◆ The business does not create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
- ◆ No more than one commercial vehicle over 1 1/2 tons capacity is parked or regularly brought to the property in conjunction with the business, nor are such vehicles parked on any street within 1/4 mile of the property.

To apply for a **Minor Home Occupation Permit**, fill out an application form and submit it with a fee of \$75. The form is available from the Office of Zoning, Permitting and Inspections and on line at www.fauquiercounty.gov. Processing typically takes less than a week. Once approved, a Minor Home Occupation Permit lasts as long as you continue to operate the same business from the same premises.

PROHIBITED HOME OCCUPATIONS

The following businesses, and those determined to be similar by the Zoning Administrator, are specifically prohibited as home occupations:

- funeral chapel or funeral home;
- assembly uses, including places of worship;
- medical or dental offices, clinics, hospitals, care facilities (Note: some medical offices are allowed in residential areas under other provisions of the zoning ordinance; see back page of this brochure for more information);
- renting of trailers, equipment, vehicles; machinery;
- clubs, eating or drinking establishments;
- kennels, veterinary clinics or hospitals;
- bed and breakfast, tourist home (Note: allowed in some residential areas under other provisions of the zoning ordinance; see back page of this brochure for more information.)
- abattoir;
- recreation uses;
- adult entertainment activities;
- dismantling, junk, scrap or storage yards (except small contracting business as specifically authorized as a Major Home Occupation).
- Motor vehicle related uses, pet grooming, and gunsmithing are specifically limited in the ordinance, allowed only as a Major Home Occupation with special permit approval subject to special standards.

MAJOR HOME OCCUPATIONS

If your proposed home business does not meet the limits specified for a Minor Home Occupation, it may still be allowed as a Major Home Occupation. Because Major Home Occupations potentially have more impacts on the neighborhood, the application must be reviewed and approved by the Board of Zoning Appeals (BZA). The BZA will evaluate the business and may place conditions on the approval to protect the neighborhood.

Major Home Occupations with special requirements and standards are listed on the next page of this brochure. All other Major Home Occupations:

- ◆ May occupy more space than a Minor Home Occupation, so long as it remains incidental to the residential use.
- ◆ May have from 2 to 5 non-resident employees; 2 employees may be allowed on parcels less than 5 acres, and 5 employees may be allowed on all other parcels.
- ◆ May involve retail sales on the premises, so long as any items sold are either hand-crafted on the premises, substantially repaired on site, or are accessory to the main business being conducted.
- ◆ May be authorized for hours beyond 7 a.m. to 8 p.m.

The following limitations are the same for Major Home Occupations as for Minor Home Occupations:

- ◆ All activities related to the business must occur indoors, with no change to outside appearance of the home or lot. No materials, goods or equipment may be stored outside.
- ◆ Parking must be available to serve employees and clients coming to the home.
- ◆ The home occupation may not create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.



READY TO APPLY FOR A MAJOR HOME OCCUPATION PERMIT?



To apply for a **Major Home Occupation Special Permit**, it is suggested that you first call Zoning Staff at (540) 347-8789 to discuss your proposed business so that staff can clarify for you any special requirements because of the business type or size or zoning of your property.

The special permit application is available on line at www.fauquiercounty.gov. The filing fee for a Major Home Occupation Special Permit is \$500.

The Board of Zoning Appeals approves special permit applications for Major Home Occupations; it meets the first Thursday of each month, and applications must be filed 24 days before the hearing date. Notice is given to the public, including letters to property owners adjoining the lot where the proposed business is to be located. The BZA will hold a public hearing on the request, and may approve or deny the request, and may also place conditions limiting the proposed use to assure its compatibility with the neighborhood.

SPECIAL MAJOR HOME OCCUPATIONS

SMALL CONTRACTING BUSINESS

- ◆ Allowed only in the RA, RC, V, C-2, I-1 and I-2 Zoning Districts
- ◆ Requires Special Permit approval by the Board of Zoning Appeals

Includes the following types of uses:

- ◆ Construction and/or repair of buildings, roads, fencing and utility lines.
- ◆ Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
- ◆ Excavating.
- ◆ Custom farming not in conjunction with a farming operation.
- ◆ Landscaping services and contractors.
- ◆ Businesses determined to be similar in character by the Zoning Administrator.

No manufacturing, processing or assembly may occur with a contractor's business.



Standards

The following specific limits apply:

- ◆ Minimum lot size of 5 acres.
- ◆ Up to 5 employees.
- ◆ Up to 5 vehicles in excess of 1 1/2 ton.
- ◆ Up to 5,000 sq. ft. structure.
- ◆ Up to 5,000 sq. ft. of outdoor storage.
- ◆ Parking, loading, storage & structures associated with business must be at least 50 feet from the property line and screened from view.
- ◆ The property must have access to a major road (one designated as a major collector or higher in the comprehensive plan), unless the BZA waives.
- ◆ Issued annually.
- ◆ Site plan is required, but will be waived if no physical improvements are planned on the site.

See Zoning Ordinance Section 5-202.

AUTO REPAIR GARAGE

- ◆ Allowed only in the RA, RC, RR-2, CV, I-1 and I-2 Zoning Districts
- ◆ Requires Special Permit approval by the Board of Zoning Appeals

Standards

The following specific limits apply:

- ◆ The business must be clearly incidental and subordinate to the residential use on the property.
- ◆ Up to 1 non-resident employee.
- ◆ No more than 6 vehicles allowed on premises for service. All vehicles must be stored and all work must occur within an enclosed structure or within a completely screened area outside of the required setback for the lot.
- ◆ No retail goods may be displayed, sold or stored on the premises, except parts to be installed as part of the repair.
- ◆ The business may not create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
- ◆ Public contact shall be limited to the period between 7a.m. to 8 p.m.
- ◆ Site plan is required, but will be waived if no physical improvements are planned.

See Zoning Ordinance Section 5-203.



PET GROOMING

- ◆ Public contact shall be limited to the period between 7a.m. to 8 p.m.
- ◆ No more than two non-resident employees.
- ◆ Parking must be available to serve employees and clients coming to the home.

See Zoning Ordinance Section 5-206.



GUNSMITHING

- ◆ The business must be clearly incidental and subordinate to the residential use on the property.
- ◆ No non-resident employees.
- ◆ No more than 10 guns may be inventoried for retail sales, none of which can be fully automatic.
- ◆ All activities related to the business occur indoors, with no change to outside appearance of the home or lot. No materials, goods or equipment are stored outside.
- ◆ The business may not create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
- ◆ Public contact shall be limited to the period between 7a.m. to 8 p.m.
- ◆ No signage allowed.

See Zoning Ordinance Section 5-205.

SALES OF ANTIQUE/CLASSIC AUTOMOBILES



- ◆ The business must be clearly incidental and subordinate to the residential use on the property.
- ◆ No non-resident employees.
- ◆ No more than 3 vehicles may be inventoried for sale, with vehicles stored indoors and any work on vehicles occurring indoors.
- ◆ The business may not create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
- ◆ Public contact shall be limited to the period between 7a.m. to 8 p.m.
- ◆ No signage allowed.

See Zoning Ordinance Section 5-204.



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OTHER BUSINESSES ALLOWED IN RURAL AND RESIDENTIAL AREAS

There are many businesses other than Home Occupations that are allowed in the rural and residential districts in the County. A complete table of uses allowed in every zoning district is found in Article 3 of the Fauquier County Zoning Ordinance. More information is provided below on some of the more typical business uses requested in residential and rural districts.

Agricultural Uses (Section 3-318)

Many Agricultural uses are allowed not only in the Rural zoning districts, but also in some of the residential districts. Most of these agricultural uses are allowed by-right on rural lots.

Bed and Breakfast (Section 3-303(2))

Allowed in the RA, RC and V Districts with Special Permit subject to standards in Section 5-302.

Educational Uses (Section 3-305)

Allowed in a variety of rural and residential zones, depending on specific type of educational use, and with a Special Permit or Special Exception subject to standards in Section 5-500.

Offices, including Medical (Section 3-313)

While most offices are also allowed as home occupations, another category of office use is available providing more flexibility, including the ability to have up to 6 employees in most cases. This office use can be approved in any residential district by Special Permit, subject to the standards set forth in Section 5-1305.

Contractors Storage Yard (Section 3-317(1))

A larger contracting operation than is allowed as a home occupation may be allowed in the RA and RC districts if your parcel is at least 200 acres. In that case, a contracting business occupying up to one acre may be authorized by Special Exception, subject to the standards set forth in Section 5-1701.

Kenel (Section 3-313(1))

Allowed in the RA, RC, RR-2 zoning districts with a minimum lot size of 2 acres and in the R-1 zoning districts with a minimum lot size of 20 acres. Special Permit approval is required, subject to standards in Section 5-1301.

Please Note, this is not a complete list of businesses allowed. See Article 3 of the Zoning Ordinance for the complete list!

Resources For Small Businesses in Fauquier County:

Fauquier County's Office of Economic Development

*provides assistance to new
and existing businesses.*

Call: (540) 349-1231

Fauquier County Chamber of Commerce

Call: (540) 347-4414

Lord Fairfax Business Devel- opment Center at Fauquier

Call: (540) 351-1595

Virginia Department of Busi- ness Assistance

Call: (804) 371-8200

LIMITS ON COMMERCIAL VEHICLES

The zoning ordinance limits the number of commercial vehicles permitted to be parked at a residence. These limits also apply to all Major and Minor Home Occupations, except for a Small Contracting Business, where additional vehicles may be authorized as part of the special permit approval. The limits on commercial vehicles are:

In the Residential Zoning Districts on all parcels, and in the Rural Zoning Dis- tricts on parcels 1 acre or smaller:

One commercial vehicle is permitted to be parked on the lot, but the vehicle cannot exceed 1 1/2 ton capacity (a large pick-up truck). The vehicle must be regularly operated by a resident of the property.

In the Rural Zoning Districts on parcels larger than 1 acre:

One commercial vehicle is permitted for any resident of the site who regularly operates it. There is no size limit on the commercial vehicles, with tractor-trailers included.

Any vehicle used for agricultural purposes on the resi-
dent's property is not included in this restriction.

